



**COMMISSION MEMBERS:**  
PAUL M. VETTORI, *Chairman*  
KIM L. COBLE  
JANET E. McHUGH  
JACOB YOSEF MILIMAN  
THOMAS B. SMYTH, M.D.

## STATE ETHICS COMMISSION

45 CALVERT STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401  
410-260-7770 / 1-877-669-6085  
FAX: 410-260-7746

MICHAEL W. LORD  
*Executive Director*  
JENNIFER K. ALLGAIR  
*General Counsel*  
WILLIAM J. COLQUHOUN  
*Staff Counsel*  
KATHERINE P. THOMPSON  
*Assistant General Counsel*

### City of Gaithersburg Date of Public Notice: 1/22/16

Pursuant to §5-812(a)(1) of the Maryland Public Ethics Law (Md. Code Ann., Gen Prov. Title 5 (Supp. 2015)) (“Public Ethics Law”), the State Ethics Commission advises the public and the City of Gaithersburg that the jurisdiction has not complied with and has not made good faith efforts toward compliance with the requirements of Subtitle 8 of the Public Ethics Law.

The State Ethics Commission previously reviewed and approved a draft local ethics ordinance for the City of Gaithersburg on September 12, 2013. The City of Gaithersburg then submitted a revised draft local ethics law for review, which the Commission also approved on December 12, 2013. In 2014, the City of Gaithersburg requested that the Commission grant a modification to the financial disclosure provisions for its local elected officials. The City of Gaithersburg later withdrew its modification request on February 10, 2015 in advance of the scheduled February 12, 2015 review by the Commission. The State Ethics Commission has advised the City of Gaithersburg of the listed recommended revisions to the local ethics law in writing and requested a revised draft ethics law for review and approval on November 10, 2014, December 12, 2014, May 18, 2015, June 24, 2015, October 2, 2015 and November 24, 2015.

The City of Gaithersburg did not enact the previously approved draft ethics law. The City of Gaithersburg adopted an ethics ordinance on August 17, 2015 that was different from the two prior approved drafts reviewed by the State Ethics Commission. The current enacted local ethics law was not sent to the Commission for review either before or after approval by the City. The State Ethics Commission obtained a copy of the City of Gaithersburg’s enacted local ethics law from the City’s website and reviewed the enacted local ethics law at its September 10, 2015 meeting and determined that the requirements of Subtitle 8 of the Public Ethics Law were not met in several areas. The Commission wrote to the City of Gaithersburg on October 2, 2015 and November 24, 2015 and advised that the current enacted local ethics law does not meet the requirements of Subtitle 8 of the Public Ethics Law in the following areas:

1. The enacted gift provisions include a provision that prohibits the acceptance of a gift from any business entity that is doing business with the city. The Public Ethics Law requires that provision also be extended to business entities that are seeking to do business with the City;
2. The enacted financial disclosure provisions for elected local officials and candidates for local office that restricts the disclosure of interests in real property to property located in the City or property that has some nexus to an individual or entity that does business, or has done business in the preceding five years with the City. The Public Ethics Law requires all interests in real property wherever located to be disclosed;

3. The enacted financial disclosure provisions for disclosure of business entities only requires disclosure of business entities that are regulated by the City, doing business with the City or have done business with the City in the last five years. The Public Ethics Law requires any interest in any corporation, partnership, limited liability partnership, or limited liability corporation regardless of whether it has any business relationship or nexus to the City;
4. The enacted financial disclosure provisions for disclosure of sources of earned income only requires disclosure of immediate family member's sources of earned income if the City regulates, licenses or contracts with the place of employment, or has in the preceding five years. The Public Ethics Law requires a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child;
5. The enacted financial disclosure provisions should include the provision providing that for the purposes of interests in real property, interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City, and interests in business entities doing business with the City, the following interests are considered to be the interests of the individual making the statement: (1) an interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual; (2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period; and (3) An interest held by a trust or an estate in which, at any time during the reporting period: the individual held a reversionary interest or was a beneficiary; or if a revocable trust, the individual was a settlor;
6. The enacted exemption provisions in Section 7A-7 provide that the local ethics commission may grant exemptions and modifications to the provisions of sections 7A-4 and 7A-5 if it determines that the application of those provisions would constitute an unreasonable invasion of privacy, significantly reduce the availability of qualified persons for public service and not be required to procure the purposes of the chapter. The Commission determined this enacted provision was not compliant with the State requirements. State law limits the ability to grant exemptions or modifications to the conflict of interest and financial disclosure provisions only to employees and appointed officials, not to elected officials (See §5-209 of the Maryland Public Ethics Law). Also, the approved exemption and modification provisions contained in both the Commission's Model A and Model B limit the granting of exemptions and modifications to local employees and local appointed officials. Local elected officials should be excluded from this provision as State law requires that both conflict of interest and financial disclosure provisions for local elected officials be at least equivalent to State law.

The City of Gaithersburg has not indicated to the State Ethics Commission that there is any intention to alter their ethics law to incorporate the required changes and has failed to outline a plan for a good faith effort toward compliance with the requirements of Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04. The State Ethics Commission authorized the issuance of this Public Notice at its December 17, 2015 meeting.



**COMMISSION MEMBERS:**

CRAIG D. ROSWELL, *Chair*  
BONNIE A. KIRKLAND  
JANET E. McHUGH  
JAMES N. ROBEY, JR.  
GENEAU M. THAMES

**STATE ETHICS COMMISSION**

**45 CALVERT STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401  
410-260-7770 / 1-877-669-6085  
FAX: 410-260-7746**

JENNIFER K. ALLGAIR  
*Executive Director*  
WILLIAM J. COLQUHOUN  
*General Counsel*  
KATHERINE P. THOMPSON  
*Staff Counsel*  
ANA L. HENRY  
*Assistant General Counsel*

**MINUTES OF THE STATE ETHICS COMMISSION MEETING**

**March 2, 2023**

Commission Members Present: Craig D. Roswell, Chair  
James N. Robey, Jr.  
Geneau M. Thames

Commission Member Absent: Bonnie A. Kirkland  
Janet E. McHugh

Staff Members Present: Jennifer K. Allgair, Executive Director  
William J. Colquhoun, General Counsel  
Katherine P. Thompson, Staff Counsel  
Ana L. Henry, Assistant General Counsel  
Jill Byczek, Legal Assistant/Paralegal  
Stephen Garrett, Paralegal  
Darlene Gavel, Office Manager  
Maura Pizzi, Paralegal

The meeting convened at 9:00 a.m. at 45 Calvert Street, 3rd Floor conference room. Those listed as present participated in all portions of the meeting unless otherwise noted. If other individuals participated in aspects of the meeting, they will be identified in the specific line item where their participation occurred.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved as adjusted.

ITEM 2: Minutes of the January 5, 2023 Meeting

Discussion: The draft minutes of the January 5, 2023 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Additions and Deletions

Discussion: Ms. Allgair presented a listing of the proposed additions and deletions to the financial disclosure list recommended by State agencies and reviewed by Financial Disclosure Administrator, Young Smith and Executive Director, Jennifer Allgair. The recommendations covered the Department of Health, Howard Community College, University of Maryland-Baltimore, Department of Transportation, State Highway Administration, Department of Labor, Department of Education, Department of Natural Resources, Department of Information Technology, Department of Commerce, Community College of Baltimore County, Department of the Environment, University of Baltimore, Maryland Transportation Authority, University of Maryland-Baltimore County, College of Southern Maryland, Department of Juvenile Services, University System of Maryland and the Maryland Office of the Inspector General for Education. There was an added position in the Department of Budget & Management to delete based on corrected salary information from the agency.

Decision: The Commission approved Ms. Allgair's recommendations.

ITEM 4: Local Government – Town of Sykesville (23-0046)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Sykesville.

Decision: The Commission approved the proposed amendments.

ITEM 5: Local Government – Town of Indian Head (23-0049)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Indian Head.

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – City of Takoma Park (23-0063)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Takoma Park.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – City of Gaithersburg (23-0074)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Gaithersburg.

Decision: The Commission did not approve the ordinance because the City of Gaithersburg's financial disclosure provisions related to the disclosure of interests in real property, interest in business entities, outside employment, and sources of earned income, do not comply with Subtitle 8 of the Public Ethics Law. The Commission noted that the City has addressed two issues raised in the Commission's January 22, 2016 Public Notice. The City amended its ordinance to correct Nos. 1 (gifts) and 5 (attributable interest) in the Public Notice. The Commission agreed to temporarily remove the Public Notice from the Commission's website and staff will work with the City to address the remaining issues related to the Public Notice.

ITEM 8: Executive Director's Report – Training for Elected Executive Officials

Discussion: Ms. Allgair briefed the Commission on the status of the required new training for the elected executive officials. Several in-person trainings have been scheduled along with several virtual trainings to be conducted soon.

ITEM 9: Executive Director's Report – Public User Accounts

Discussion: Ms. Allgair briefed the Commission on an issue with the public user accounts in the financial disclosure system. We have sent additional text to our vendor to include when creating a new public user account.

ITEM 10: Executive Director's Report – New Compliance Officer

Discussion: Ms. Allgair briefed the Commission on the new Compliance Officer, Roxanne Perez, who will be starting next week.

A motion was made (Mr. Robey) and seconded (Ms. Thames) to close the meeting to the public pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters and enforcement matters per §5-303 and §5-407 of the Public Ethics Law, and to receive the advice of counsel pursuant to §3-305(b)(7) of the Open Meetings Act. The Commission voted unanimously in favor of closing the meeting at 9:24 a.m.

ITEM 11: Informal Matter – Elected Executive Official (22-0861)

Discussion: Mr. Colquhoun briefed the Commission on questions regarding the blind trust regulations. The Commission had a teleconference with several representatives of an elected official regarding the official's blind trust.

Decision: The Commission provided guidance on the preparation of the blind trust.

ITEM 12: Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented eight non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 23-0056, 23-0057, 23-0067, 23-0081, 23-0092, 23-0105, 23-0106 and 23-0118.

ITEM 13: Informal Matter – Elected Executive Official (22-0030)

Discussion: Mr. Colquhoun briefed the Commission on a prestige issue on whether autographed books can be given as gifts.

Decision: The Commission agreed with General Counsel's advice that this is allowable.

ITEM 14: Informal Matter – Department of Health (22-0838)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health working for an entity that does business with the Department.

Discussion: The Commission granted an exception to allow this secondary employment.

ITEM 15: Informal Matter – University of Maryland, Baltimore (22-0852)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee at the University of Maryland, Baltimore working at a company that has research agreements with the University.

Discussion: The Commission granted an exception to allow this secondary employment.

ITEM 16: Informal Matter – Department of Health (22-0862)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health working for an entity that is regulated by the Department.

Discussion: The Commission granted an exception to allow this secondary employment.

ITEM 17: Informal Matter – Department of Health (23-0017)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working for an entity that is regulated by the Department.

Discussion: The Commission granted an exception to allow this secondary employment.

ITEM 18: Informal Matter – Maryland Historical Trust (23-0023)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Maryland Historical Trust working as a fund grant review panelist at a center that receives grants from the Maryland Historical Trust.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 19: Informal Matter – Department of Health (23-0054)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that received funding from the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 20: Informal Matter – Department of Health (23-0060)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that has a referral relationship with the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 21: Informal Matter – Informal Matter – Department of Health (23-0086)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that has a referral relationship with the Department.

Decision: The Commission will grant an exception to allow this secondary employment after the Department sends their approval.

ITEM 22: Informal Matter – Department of Human Services (23-0088)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at an entity that has a referral relationship with the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 23: Informal Matter – Department of Human Services (23-0089)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at an entity that has a referral relationship with the Department.

Decision: The Commission will grant an exception to allow this secondary employment after the Department sends their approval.

ITEM 24: Informal Matter – Department of Human Services (23-0091)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at an entity that has a referral relationship with the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 25: Informal Matter – Department of Human Services (23-0090)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 26: Informal Matter – Department of Health (23-0109)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that is regulated by the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 27: Informal Matter – Department of Human Services (23-0129)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 28: Informal Matter – Department of Human Services (23-0150)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

Decision: The Commission granted an exception to allow this secondary employment.

ITEM 29: Informal Matter – Department of Agriculture (23-0024)

Discussion: Mr. Colquhoun briefed the Commission on a matter regarding an employee in the Department of Agriculture who has a financial interest in an entity that does business with or is regulated by the Department.

Decision: The Commission will allow the employee until September 6, 2023 to divest their interest.

ITEM 30: Informal Matter – Transition Update

Discussion: Mr. Colquhoun briefed the Commission on a meeting with the Governor’s Appointments Office.

ITEM 31: Informal Matter – Maryland State Board of Elections (23-0095)

Discussion: Mr. Colquhoun briefed the Commission on a request from an employee at the Maryland State Board of Elections wanting to observe an election in another country and have their travel and lodging paid for by the sponsoring entity.

Decision: The Commission approved the acceptance of this gift as a gift to the agency.

ITEM 32: A-1-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 33: A-2-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-23)

ITEM 34: A-3-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Discussion: The Commission accepted the late filing agreement in this matter.

ITEM 35: A-4-23

Discussion: Ms. Thompson briefed the Commission on this matter.



Decision: The Commission accepted the late filing agreement in this matter.

ITEM 36: A-5-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 37: A-6-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-23)

ITEM 38: B-15-22

Discussion: Ms. Thompson briefed the Commission on these matters.

Decision: This matter will be closed.

ITEM 39: C-11-22

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: A letter will be issued in this matter and closed.

ITEM 40: A-7-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission authorized complaints in these matters.

ITEM 41: A-9-23

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-23)

(Ms. Thompson, Ms. Allgair, Ms. Pizzi, and Mr. Garrett participated in the briefings to the Commission, but did not participate in the decisions regarding Items 32 through 41.)

ITEM 42: Proposed Legislation – Advice of Counsel

Discussion: Ms. Allgair and Ms. Thompson provided advice of counsel to the Commission on the amendments to the proposed legislation to additional Open Meeting Act requirements which would require the Commission to live stream the open portions of their meetings (HB 58/SB 35).

The meeting was adjourned at 11:41 a.m.